

House Bill 1281 (AS PASSED HOUSE AND SENATE)

By: Representative Maddox of the 172nd

A BILL TO BE ENTITLED
AN ACT

To amend an Act relating to the board of commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935 p. 630), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4639), so as to change provisions relating to the chairperson and vice-chairperson of the board and their selection, service, power, and duties; to change provisions relating to voting and removal from office of the chairperson and vice-chairperson; to provide an effective date Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act relating to the board of commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935 p. 630), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4639), is amended by revising Sections 6 and 7 as follows:

"Section 6.

(a) All members of the board shall have the same authority and privileges.

(b) A majority of the members of the board shall constitute a quorum for the transaction of all business which may come before it. A majority vote of the members present and voting on any matter shall be required for the commission to act affirmatively or negatively on the matter.

Section 7.

(a) One member of the commission shall serve as chairperson for the board. The term of office for the chairperson shall begin on January 1, 2011, and on January 1 of each year thereafter.

(b) The chairperson shall serve a term of one year, unless he or she resigns or is removed from the position of chairperson.

(c) It shall be the duty of the chairperson to act as presiding officer at the meetings of the board, and he or she shall serve as the ceremonial head of the county government. It shall

be the duty of the chairperson to represent the board in executing and carrying out any matter approved by the board. It shall be the duty of the chairperson to ensure effective, regular and harmonious communications among board members.

(d) The chairperson shall have the privilege to vote on any matter coming before the board for its consideration, unless disqualified by interest or relationship.

(e) In the event of absence or recusal of the chairperson, the vice-chairperson shall temporarily assume the duties of the chairperson.

(f) In the event the chairperson is physically absent from four consecutive regularly scheduled board meetings, the office of chairperson shall be declared vacant.

(g) In the event that the office of chairperson shall become vacant during the course of the year, the vice-chairperson shall serve as chairperson for the remainder of the term.

(h) The position of chairperson shall be filled by the member of the board who was serving in the position of vice-chairperson on December 31 of the previous year, unless the chairperson on December 31 of the previous year had held the position for less than six months. If such event occurs, then the chairperson and vice-chairperson during the previous year shall remain in office until the next December 31.

(i) The position of vice-chairperson shall be filled by the board member who has the greatest length of service on the board and has not previously served a full term as chairperson, unless all other members of the board have served a full term as vice-chairperson.

(j) If two or more members have the same length of service on the board, the vice-chairperson shall be selected by lot from the eligible members.

(k) The vice-chairperson shall serve a term of one year, beginning January 1 and ending December 31, unless he or she resigns or is removed from the position of vice-chairperson.

(l) In the event the vice-chairperson is physically absent from four consecutive regularly scheduled board meetings, the office of vice-chairperson shall be declared vacant.

(m) In the event that the office of vice-chairperson shall become vacant during the course of the year, the position of vice-chairperson shall be filled in the same manner as it would be on January 1 of each year.

(n) In the event that the member serving as vice-chairperson will not be available or declines to serve as chairperson for the ensuing year, the position of chairperson shall be filled by the board member who has the greatest length of service on the board and has not previously served a full term as chairperson, unless all other members of the board have served a full term as vice-chairperson.

(o) In the event that the member serving as vice-chairperson will not be available or declines to serve as chairperson for the ensuing year and two or more members have the

62 same length of service on the board, the chairperson shall be selected by lot from the
63 eligible members.

64 (p) The chairperson or vice-chairperson may be removed from that office for any one or
65 more of the following reasons: incompetence, misfeasance, or malfeasance in performing
66 the duties of the office of chairperson or vice-chairperson, conviction of a crime of moral
67 turpitude; or abandonment of office or neglect to perform the duties thereof. The removal
68 of either officer shall require the affirmative vote of five commissioners."

69 **SECTION 2.**

70 This Act shall become effective on January 1, 2011.

71 **SECTION 3.**

72 All laws and parts of laws in conflict with this Act are repealed.